

Damon N. Vocke (*admitted pro hac vice*)

DUANE MORRIS LLP

1540 Broadway

New York, NY 10036-4086

Telephone: +1 212 692 1000

e-mail: dnvocke@duanemorris.com

Daniel B. Heidtke (SBN 12975)

DUANE MORRIS LLP

100 North City Parkway, Ste. 1560

Las Vegas, Nevada 89106

Telephone: +1 702 868 2600

Facsimile: 1 702 868 2601

e-mail: dbheidtke@duanemorris.com

Attorneys for Defendants GEICO Advantage Insurance Company, GEICO Casualty Company, GEICO Choice Insurance Company, GEICO General Insurance Company, GEICO Indemnity Company, and GEICO Secure Insurance Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

CARLO CANNUSCIO, KEVIN O'DONNELL,
individually and on behalf of all those similarly
situated,

Plaintiffs,

v.

GEICO ADVANTAGE INSURANCE COMPANY,
GEICO CASUALTY COMPANY, GEICO
CHOICE INSURANCE COMPANY, GEICO
GENERAL INSURANCE COMPANY, GEICO
INDEMNITY COMPANY, AND GEICO SECURE
INSURANCE COMPANY, DOES 1 through 10,

Defendants.

Case No.: 2:21-cv-00613-MMD-BNW

**STIPULATION FOR EXTENSION OF
TIME TO RESPOND TO AMENDED
COMPLAINT (FIRST REQUEST)**

Pursuant to Rule IA 6-1 of the Local Rules of Practice for the United States District Court, District of Nevada, Plaintiffs Carlo Cannuscio and Kevin O'Donnell ("Plaintiffs") and Defendants GEICO ADVANTAGE INSURANCE COMPANY, GEICO CASUALTY COMPANY, GEICO CHOICE INSURANCE COMPANY, GEICO GENERAL INSURANCE COMPANY, GEICO INDEMNITY COMPANY, AND GEICO SECURE INSURANCE COMPANY (collectively, "Defendants"), by and through their attorneys, agree as follows:

1 WHEREAS, Plaintiffs filed this action in state court on February 23, 2021;

2 WHEREAS, Defendants removed this action from state court to federal court on April 14,
3 2021;

4 WHEREAS, after full-briefing, the Court granted Defendants' motion to dismiss Plaintiffs'
5 complaint and dismissed with prejudice all claims, and dismissed without prejudice Plaintiffs' breach
6 of implied covenant of good faith and fair dealing claim, tortious bad faith claim, and Deceptive
7 Trade Practices Act claim. The Court granted Plaintiffs leave to file an amended complaint (ECF
8 No. 24);

9 WHEREAS, Plaintiffs filed an amended complaint (ECF No. 28) and Defendants filed a
10 motion to dismiss Plaintiffs' amended complaint (ECF No. 29);

11 WHEREAS, on December 13, 2022, the Court granted in part and denied in part Defendants'
12 motion to dismiss, and dismissed with prejudice Plaintiffs' contractual and tortious breach of the
13 implied covenant of good faith and fair dealing claims (ECF No. 38);

14 WHEREAS, in light of the Court's order granting Defendants' motion to dismiss and
15 pursuant to Fed. R. Civ. P. 12(a)(4), Defendants' answer to Plaintiffs' amended complaint was due
16 on or before December 27, 2022;

17 WHEREAS, Defendants requested and Plaintiffs agreed that Defendants may have until
18 January 26, 2023, to file their answer to Plaintiffs' amended complaint;

19 WHEREAS, the failure to submit this stipulated request to extend Defendants' deadline to
20 answer Plaintiffs' complaint prior to the original December 27, 2022 deadline was due to competing
21 and conflicting schedules and the intervening holidays, and excusable neglect;

22 WHEREAS, the Court previously granted an extension to respond to Plaintiff's complaint,
23 and this is the first request to extend the time for Defendants to respond to Plaintiffs' amended
24 complaint; and
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1 WHEREAS, the Parties agree and respectfully request, that the Court enter an order setting
2 January 26, 2023 as Defendants' deadline to answer Plaintiffs' amended complaint.

3 SO STIPULATED.

4 DATED this 3rd day of January, 2023.

5
6 /s/ Danielle C. Miller
7 Robert T. Eglet (SBN 3402)
8 Tracy A. Eglet (SBN 6419)
9 Danielle C. Miller (SBN 9127)
10 EGLET ADAMS

/s/ Daniel B. Heidtke
Damon N. Vocke (*admitted pro hac vice*)
Daniel B. Heidtke (SBN 12975)
DUANE MORRIS LLP

Attorneys for Defendants

11 Matthew L. Sharp (SBN 4746)
12 MATTHEW L. SHARP, LTD.

Attorneys for Plaintiffs

13 **ORDER**

14 **IT IS SO ORDERED**

15 **DATED:** 4:05 pm, January 04, 2023

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17 **BRENDA WEKSLER**
18 **UNITED STATES MAGISTRATE JUDGE**
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CERTIFICATE OF SERVICE

I certify that on the date below, I caused a true and correct copy of the foregoing to be served on the following individuals on January 3, 2023 in the manner indicated:

Robert T. Eglet
Tracy A. Eglet
Danielle C. Miller
Eglet Adams
400 S. Seventh St., Suite 400
Las Vegas, NV 89101
Tel. 702.450.5400
e-mail: eservice@egletlaw.com

☐ Via Messenger
☐ Via Fax
☒ Via U.S. Mail
☐ Via ECF Notification
☒ Via Email
☐ Via Overnight Delivery

Matthew L. Sharp
Matthew L. Sharp, Ltd.
432 Ridge Street
Reno, NV 89501
Tel. 775.324-1500

Attorney for Plaintiffs

DATED this 3rd day of January, 2023.

/s/ Daniel B. Heidtke
Daniel B. Heidtke